

LUPE MARTINEZ, SBN 49620
Attorney at Law
95 South Market Street, Suite 300
San Jose, CA 95113
Telephone (408) 857-5418
Fax (408) 995-3202
Martinez-luna@sbcglobal.net

JAMIE LEE MOORE, SBN 177627
Attorney at Law
700 Larkspur Landing Circle, Ste 199
Larkspur, CA 94939
Telephone (415) 272-2772
Fax (415) 634-1544
FedAppeal@yahoo.com

Attorneys for Defendant/Appellant
ANGEL NOEL GUEVARA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,) Case No. 08-CR-730-WHA
Plaintiff,)
v.) STIPULATION TO CORRECT
) RECORD RE: APRIL 6, 2011
) EX-PARTE HEARING; DECLARATION
) OF LUPE MARTINEZ;
) [PROPOSED] ORDER
) (Volume 7 Pages 1663-1667)
ANGEL NOEL GUEVARA, et. al.)
Defendants.)

Defendants/Appellants, Angel Noel Guevara through his undersigned counsel, identified below, and the government through Assistant United States Attorney Barbara Stipulation to Correct April 6, 2011 Record; Declaration of Lupe Martinez; Order

Valliere, pursuant to Federal Rule of Appellate Procedure 10(e)(1), (2) stipulate as follows:

1. The reporter's transcript for the proceedings of April 6, 2011, Volume 7, at pages 1663-1667, indicates an ex-part hearing was conducted with all defendants present.
2. The government and Guevara stipulate that neither Guevara or his counsel or any defendants or their counsel were present for the ex-part hearing described at pages 1663-1667 of Volume 7 of the reporter's transcript. The sealed reporter's transcript of the ex-part hearing of April 6, 2011, Volume 7A, indicates that neither Guevara or his counsel or any defendants or their counsel were present at the ex-part hearing.

IT IS SO STIPULATED.

Dated: May 4, 2016

/S/
LUPE MARTINEZ
JAMIE LEE MOORE
Attorneys for Defendant-Appellant,
ANGEL NOEL GUEVARA

Dated: May 4, 2016

BRIAN STRETCH
United States Attorney
Northern District of California

/S/
BARBARA VALLIERE
Assistant United States Attorneys

I, Lupe Martinez, declare:

1. I am an attorney licensed to practice law in the State and Federal Courts of California and was appointed to represent appellant Angel Noel Guevara in the district court at trial and on

appeal in the above-entitled case.

2. I did not attend an ex-parte hearing on April 6, 2011 as indicated at ex parte hearing transcript for April 7, 2011, Volume 7 at pages 1663-1667.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of May 2016 at Aromas, California.

/S/
LUPE MARTINEZ

IT IS SO ORDERED

Date: May 9, 2016.

William Alsup
United States District Judge